IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5977 of 2005

Between:

M.Ramachandra Reddy, S/o. Narayana Reddy,
Achampet Mandal, Mahaboobnagar District &

H.No.5-11-19, Nayeemnagar Hanumkonda,
Warangal District.

..... PETITIONER

AND

1 The Girijan Co-Operative Corporation Ltd.,

rep.by its Vice-Chairman & Managing Director,
2 The Senior Manager, Girijan Primary Co-op Marketing Society Ltd.,
Mannanur, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order, or direction more in the nature of Mandamus declaring the action of the respondent in not paying the subsistence allowance to the petitioner for the period 2-8-2002 to 26-2-2005 during which he was continued under suspension as illegal, arbitrary, violative of Art.14,16 and 21 of the Constitution of India and consequentially to direct the respondents to pay the arrears of subsistence allowance for the period from 02-08-2002 to 26-02-2005 forthwith and to pass such other order or orders.

Counsel for the Petitioner: MR.M.SUDHIR KUMAR

Counsel for the Respondent Nos.1 and 2: MR.N.SRIDHAR REDDY

The Court at the admission stage made the following:

ORDER:

In not paying the subsistence allowance to the petitioner for the period from 02.08.2002 to 26.02.2005 during which he was continued under suspension, and for consequential direction to the respondents to pay the arrears of subsistence allowance for the said period, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondents.

There cannot be no doubt when an employee suspended pending enquiry, he is entitled for subsistence allowance as a matter of right, but in accordance with rules and regulations and byelaws if any. It is also made it clear that payment of subsistence allowance is not a bounty.

The learned standing Counsel for the respondent has brought to the notice of this Court that the petitioner is not claiming subsistence allowance, and therefore, the same is kept with the 2nd respondent.

Therefore, without entering into the merits of the case, the respondents are directed to pay subsistence allowance to the petitioner, if he approaches the 2nd respondent, within a period of 2 (two) weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 23.03.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Vice-Chairman & Managing Director,

The Girijan Cooperative Corporation Limited,

Visakhapatnam

2. The Senior Manager,

Girijan Primary Cooperative Marketing Society Limited,

Mannanur, Mahaboobnagar District

3. Two CD copies

*Form-NIC-OGS/WP{**BJPR**}*